

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

In re Tyco International, Ltd.  
Multidistrict Litigation (MDL 1335)

MDL DOCKET NO. 02-1335-B  
SECURITIES CATEGORY

State of New Jersey, et al.  
v.  
Tyco International, Ltd., et al.

Civil No. 03-1337-B

**O R D E R**

Richard Bodman, John Fort, Wendy Lane, and James Passman have asked me to reconsider my June 11, 2007 order resolving their motions to dismiss in light of the Supreme Court's recent decision in Tellabs, Inc. v. Makor Issues & Rights Ltd., 127 S.Ct. 2499 (2007).

I decline to reconsider my ruling because the First Circuit case law that I applied in making the ruling anticipates Tellabs. As I explained in the memorandum I issued in support of the ruling, the direct and circumstantial evidence proffered by the plaintiffs is sufficient to satisfy the PSLRA's special pleading standard with respect to scienter.

The Former Outside Director Defendants' Motion to Reconsider (Doc. No. 1080) is denied.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

December 19, 2007  
cc: Counsel of Record